

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named)	I hereby certify that this paper
Inventor : Lars LIDGREN)	(and/or fee) is being electronically
)	filed with the United States Patent
U.S. Serial No. : 10/500,814)	and Trademark Office on this date:
)	
Filed : July 7, 2004)	
)	
Title : Device For Mini-Invasive)	Dated: December 1, 2009
Ultrasound Treatment of)	
an Object By a Heat-)	
Isolated Transducer)	
)	<u>/Keith R. Jarosik/</u>
Art Unit : 3768)	Keith R. Jarosik
)	Registration No. 47,683
Examiner : Sanjay CATTUNGAL)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF THE FINAL REJECTION STATUS

Dear Sir:

This is in partial response to the Final Office action dated November 9, 2009, and having a shortened statutory period for reply set to expire on **February 9, 2009**. The applicants respectfully request the reconsideration and withdrawal of the FINAL Rejection Status of this application.

Remarks begin on page 2 of this paper.

REMARKS

The applicants would like to thank Examiner Cattungal for the courtesies extended in discussing the finality of the present action with the undersigned. As discussed with Examiner Cattungal, in the Office action dated November 9, 2009, a new ground of rejection was introduced on unamended claims and based on information submitted with a statement under 37 CFR 1.97(e). Under MPEP §609.04(b)(II)(A)(1), however, a final rejection is not appropriate “if information submitted during the period set forth in 37 CFR 1.97(c) with a statement under 37 CFR 1.97(e) is used in a new ground of rejection on unamended claims.”

Specifically, the Information Disclosure Statement submitted October 12, 2009, includes a certification statement under 37 CFR §1.97(e) that each item of information contained in the IDS was first cited in a communication (e.g., the European Search Report) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS. The applicants note that Chapelon (U.S. 5,720,287) is an English family member of FR 2715822, and therefore the certification under 37 CFR §1.97(e) is proper.

Accordingly, the applicants respectfully request reconsideration and withdrawal of the FINAL STATUS of the rejection. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,
Ladas & Parry LLP
224 South Michigan Ave.
Suite 1600
Chicago, Illinois 60604

Dated: December 1, 2009

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